

REMARKS

Applicant respectfully submits this RCE Amendment in reply to the Notice of Panel Decision mailed on March 19, 2010. The Notice of Panel Decision was mailed in response to the Notice of Appeal and Pre-Appeal Brief Request for Review, which Applicant submitted in response to the Final Office Action dated November 17, 2009.

In the Final Office Action, the Examiner rejected claims 22, 24, 36-39, 45-49, 52, and 55-57 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,707,536 ("*Meissner*"); rejected claims 40-44 under 35 U.S.C. § 103(a) as being unpatentable over *Meissner*; rejected claims 50 and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Meissner* in view of U.S. Patent No. 3,155,612 ("*Weber*"); rejected claims 50 and 51 under 35 U.S.C. § 103(a) as being unpatentable over *Meissner* in view of U.S. Patent No. 4,787,987 ("*Hensley*"); rejected claim 54 under 35 U.S.C. § 103(a) as being unpatentable over *Meissner* in view of U.S. Patent No. 4,421,646 ("*Correge*"), U.S. Patent No. 3,730,348 ("*Weis*"); and U.S. Patent No. 3,317,044 ("*Marks*"); and rejected claims 25 and 58 under 35 U.S.C. § 103(a) as being unpatentable over *Meissner*, *Weber*, *Hensley*, *Marks*, and *Weiss*.

Applicant respectfully renews and reiterates Applicant's traversal of the above-referenced rejections, for at least the reasons set forth in Applicant's Reply to Office Action filed on September 1, 2009, and Applicant's Pre-Appeal Brief Request for Review filed on February 16, 2010. Nevertheless, in the interest of expediting the prosecution and allowance of this application, Applicant has amended independent claims 22 and 55, as set forth in the attached amended claim set, to clarify the claims. Applicant has not amended claims 22 and 55 due to any cited references, and Applicant

has not waived the right to pursue those claims, as previously presented, in this or any another application.

By this Amendment, Applicant amends claims 22, 37, 38, 55, 56, and 57. After entry of this Amendment, claims 22, 24, 25, and 36-58 will remain pending. Of these, claims 22 and 55 are the only independent claims. Since independent claims 22 and 55 have been amended, Applicant now only addresses the rejections based on the cited references to the extent that the Examiner might consider them relevant to amended claims 22 and 55.

Rejections of Claims 22, 24, 25, and 36-54

Amended independent claim 22 now recites a cartridge for preparing a liquid solution for a medical procedure comprising:

“an inlet formed at a first diameter end of the cartridge and arranged to permit the introduction of a liquid into the inner space;

an outlet formed at a second diameter end of the cartridge and arranged to permit the discharge of liquid from the inner space, the first diameter end of the cartridge being larger than the second diameter end of the cartridge, such that the cartridge tapers from the first diameter end to the second diameter end; and

a device comprising a hollow body defined by a wall enclosing a cavity of the hollow body, the hollow body having a first end and a second end, and being provided with a least one slit-shaped opening extending through the wall, said first end of the hollow body being mounted to the first diameter end of the cartridge” (Emphasis added).

Applicant submits that amended independent claim 22 is patentably distinguishable over the cited references for at least the reasons set forth below.

Meissner merely discloses a resin filter cartridge for purifying fluids. Specifically, *Meissner* discloses an "inlet passage 175," an "outlet passage 115," a "screen 135," and a "fixed septum 150," which is configured to retain resin beads 140 from exiting the outlet passage 115. (See, e.g., Fig. 5, col. 4, lines 56-63, and col. 5, lines 25-49.) Water and chemicals desired to be purified "flow directly into the filter cartridge 15 via the inlet passage 175 in the inlet end cap 170, pass through the plunger septum 130 and the resin beads 140, thence through the fixed septum 150 and through the outlet passage 115 of outlet end cap 110 . . ." (See, e.g., col. 5, lines 43-47.) Notably, opposing ends of each of filter cartridge 10 and housing 100 are of substantially the same diameter, such that their walls are straight cylinders. (See, e.g., Figs. 1 and 5.)

Therefore, *Meissner* fails to teach or suggest, "the first diameter end of the cartridge being larger than the second diameter end of the cartridge, such that the cartridge tapers from the first diameter end to the second diameter end...said first end of the hollow body being mounted to the first diameter end of the cartridge," as recited in amended independent claim 22.

Moreover, as can be seen in Fig. 5 of *Meissner*, the fixed septum 150 that the Examiner contends corresponds to the claimed hollow body, is located at the outlet passage 115. In contrast, amended independent claim 22 recites "an inlet formed at a first diameter end of the cartridge . . . an outlet formed at a second diameter end of the cartridge . . . and a device comprising a hollow body . . . having a first end and a second end . . . said first end of the hollow body being mounted to the first diameter end of the cartridge."

Thus, *Meissner* does not disclose each and every element as arranged in amended independent claim 22, and the rejections of claim 22 under § 102 should be withdrawn. None of the cited references, either alone or in any proper combination, cure the deficiencies of *Meissner* as outlined above. Accordingly, Applicant respectfully requests that the rejections of claim 22 be withdrawn, and that amended independent claim 22 be allowed.

Claims 24, 25, and 36-54 depend from amended independent claim 22, and should be allowed at least due to their dependence from amended independent claim 22, and due to their recitations of additional patentable subject matter.

Rejections of Claims 55-58

Amended independent claim 55 now recites a cartridge for preparing a liquid solution for a medical procedure comprising:

“an inlet arranged to permit the introduction of a liquid into the inner space, the inlet being located at a first diameter end of the cartridge;

an outlet arranged to permit the discharge of liquid from the inner space, the outlet being located at a second diameter end of the cartridge, the first diameter end of the cartridge being larger than the second diameter end of the cartridge, such that the cartridge tapers from the first diameter end to the second diameter end;

a device comprising a hollow body defined by a wall enclosing a cavity of the hollow body, the hollow body having a first end and a second end, and being provided with a least one slit-shaped opening extending through the wall, said first end of the hollow body being mounted to the first diameter end of the cartridge at the inlet.” (Emphasis added).

Applicant submits that amended independent claim 55 is patentably distinguishable over the cited references for at least the reasons set forth below.

The Examiner contends that *Meissner* discloses "a cartridge (15) including: an inner space, an inlet (115) located at a first end of the cartridge, an outlet (175), a device (150) comprising a hollow body . . . a first end of the hollow body being mounted to the cartridge at the inlet . . . and a filter (135) arranged at the outlet, wherein the filter is a planar filter (fig. 2, 5)." (Office Action at 5.) Applicant respectfully disagrees for at least the same reasons as discussed above with respect to claim 22. Namely, *Meissner* fails to teach or suggest each and every element as arranged in amended independent claim 55, including among other things, "the outlet being located at a second diameter end of the cartridge, the first diameter end of the cartridge being larger than the second diameter end of the cartridge, such that the cartridge tapers from the first diameter end to the second diameter end;...said first end of the hollow body being mounted to the first diameter end of the cartridge at the inlet," as recited in amended independent claim 55. *Meissner* also fails to disclose or suggest, "a device (150) comprising a hollow body . . . a first diameter end of the hollow body being mounted to the cartridge at the inlet...and a filter (135) arranged at the outlet, wherein the filter is a planar filter (fig. 2, 5)." Thus, *Meissner* fails to anticipate amended independent claim 55 as required under 35 U.S.C. § 102(b), and the rejection should be withdrawn. None of the cited references, either alone or in any proper combination, cure the deficiencies of *Meissner* as outlined above. Accordingly, Applicant respectfully requests that all of the rejections of claim 55 be withdrawn, and that amended independent claim 55 be allowed.

Claims 56-58 depend from amended independent claim 55, and should be allowed at least due to their dependence from amended independent claim 55 and due to their recitations of additional patentable subject matter.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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